

REMARKS

Claims 1-37 are pending in the application.

Claims 1-35 have been rejected.

Claims 1, 4, 8, 12, 13, 16, 23, 24, 27, 30, and 33 have been amended.

Claims 36 and 37 have been added.

Phone Interview

Applicants acknowledge and thank Examiner Patel for participating in an Examiner Interview on August 22, 2005, and for affording Applicants an opportunity to further distinguish Applicants' invention from the cited references. Applicants have found the Examiner's suggestions related to the standing claim rejections to be helpful in preparing the present Request for Continued Examination. While no agreement was made during the interview, Applicants believe that the claim amendments herein are in harmony with the positions expressed during the Interview.

Rejection of Claims under 35 U.S.C. § 102

Claims 1-6, 9-18, 20-28 and 30-34 stand rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 5,710,650 issued to Dugan ("Dugan").

In response to the Office Action, and in the interests of economy, Applicants have amended their claims such that independent Claims 1, 13, 24, and 30 are now even more clearly distinguishable over the prior art. Although Applicants have so amended, Applicants

continue to assert their previous position regarding the Examiner's use of the Dugan reference and hereby incorporate by reference the discussion raised in the previous responses to Office Actions in this matter.

Applicants further assert that the Dugan disclosure is not enabled if interpreted as the Examiner has presented in the Office Actions in this matter. "The disclosure in an assertedly anticipating reference must provide an enabling disclosure of the desired subject matter; mere naming or description of the subject matter is insufficient, if it cannot be produced without undue experimentation." MPEP 2121.01 (citing *Elan Pharm., Inc. v. Mayo Found.*, 346 F.3d 1051, 1054 (Fed. Cir. 2003)). As discussed in the previous Office Action response, Dugan does not disclose, within the detailed description of the invention or the figures, any enabling support for the cited passage in the summary. Dugan provides no description of an input datastream being decomposed into a plurality of sub-streams as claimed; rather, Dugan provides disclosure for a large plurality of low data-rate datastreams being merged into a smaller plurality of higher data-rate datastreams. The mere statement given in Dugan's summary section is insufficient disclosure given the actual disclosure within the detailed description section of that reference. Failing to provide such an enabling disclosure, Applicants respectfully submit that it is inappropriate to use Dugan as an anticipatory reference to the presently invention as claimed.

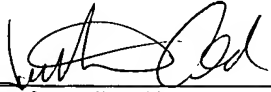
As stated above, however, Applicants have amended the independent claims to further distinguish the claimed invention over Dugan. Applicants have provided details of the claimed decomposition not disclosed within Dugan or even arguably inherent thereto. Applicants have further clarified that the bandwidth of the input datastream exceeds the bandwidth capacity of any of the individual channels over which the claimed sub-streams are

communicated. Dugan states that a single channel within that reference can support the aggregate bandwidth of all the channels. *See, e.g.*, Dugan 1:48-57.

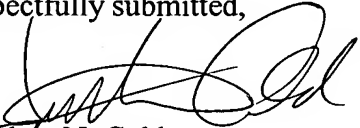
For these reasons, Applicants assert that independent Claims 1, 13, 24, and 30, and all claims dependent thereon, are allowable as amended and respectfully request Examiner's indication of same.

CONCLUSION

The application is believed to be in condition for allowance, and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on August 31, 2005.	
 _____ Attorney for Applicant(s)	<u>8/31/2005</u> _____ Date of Signature

Respectfully submitted,


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